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Attorneys for Plaintiff  
Amber Maldonado

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

AMBER MALDONADO, on behalf  
of herself and current and former  
aggrieved employees,

Plaintiff,

v.

INTERNATIONAL PAPER  
COMPANY; and DOES 1 to 100,  
inclusive,

Defendants.

Case No: 2:24-cv-00767-AC

*[Previously known as San Joaquin  
Superior Court Case No. STK-CV-UOE-  
2024-0000528]*

**JOINT STIPULATION TO STAY  
PROCEEDINGS; [PROPOSED]  
ORDER**

State Complaint Filed: 1/16/2024  
Trial Date: None Set

**TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

Defendant International Paper Company (“Defendant”) and Plaintiff Amber Maldonado (“Plaintiff”) (collectively, the “Parties”), by and through their counsel of record, submit this Joint Stipulation to Stay Proceedings as follows:

**WHEREAS**, on January 16, 2024, Plaintiff Amber Maldonado, on behalf of herself and current and former aggrieved employees, filed a Complaint against Defendant in the Superior Court of the State of California, County of San Joaquin, entitled *AMBER MALDONADO, on behalf of herself and current and former aggrieved employees v. INTERNATIONAL PAPER COMPANY; and DOES 1 through 100, Inclusive*, Case No. STK-CV-UOE-2024-0000528 (the “Action”);

**WHEREAS**, the Action alleges a single cause of action for civil penalties pursuant to the Private Attorneys General Act of 2004 (PAGA) against Defendant, for claims including 1) failure to pay all hours worked at minimum wage; 2) failure to pay wages for overtime hours worked at the overtime rate of pay; 3) failure to authorize or permit meal periods; 4) failure to authorize or permit rest periods; 5) failure to timely pay earned wages during employment; 6) failure to provide complete and accurate wage statements; and 7) failure to timely pay all earned wages and final paychecks due at time of separation of employment;

**WHEREAS**, Defendant timely removed the Action to this court on March 12, 2024, pursuant to the Labor Management Relations Act (“LMRA”), 29 U.S.C. §§ 185, *et seq.*, and the National Labor Relations Act (“NLRA”), 29 U.S.C. §§ 151-169;

**WHEREAS**, Defendant and Plaintiff Rodolfo Gutierrez (“Gutierrez”), a former employee of Defendant, entered into a settlement agreement of Gutierrez’s class action and PAGA claims against Defendant in the matters styled (respectively) *Gutierrez v. International Paper Company*, Central District of California (“Central District”), Case No. 2:22-cv-08460-JFW-RAO (the

1 “*Gutierrez Class Action*”) and *Gutierrez v. International Paper Company*, Central  
2 District, Case No.: 8:23-cv-00046-JFW-RAOx (the “*Gutierrez PAGA Action*”);

3 **WHEREAS**, the Central District granted Gutierrez’s Motion to Consolidate  
4 the *Gutierrez Class Action* and the *Gutierrez PAGA Action* [the consolidated  
5 action referred to herein as the “*Gutierrez Action*”) , and on January 29, 2024,  
6 granted Gutierrez’s Motion for Preliminary Settlement Approval of Class and  
7 Representative Action Settlement (“*Gutierrez Settlement*”) in the *Gutierrez*  
8 *Action*;

9 **WHEREAS**, the *Gutierrez Settlement* encompasses “all claims under any  
10 applicable laws and/or regulations relating to any and all facts and claims asserted  
11 in the [*Gutierrez Action*] or any other claims that could have been reasonably  
12 asserted in the [*Gutierrez Action*] based on the facts alleged, including claims for  
13 unpaid reimbursements; wage statement violations; unpaid wages, including  
14 minimum wages, regular wages, overtime and double overtime wages; unfair  
15 business practices premised on alleged violations of the California Labor Code;  
16 penalties under the California Private Attorneys General Act (“PAGA”); as well as  
17 missed meal and rest breaks; meal and rest breaks premiums; alleged failure to  
18 timely pay all wages due upon separation of employment; failure to maintain and  
19 provide accurate records; and other violations of the Fair Labor Standards Act, the  
20 California Labor Code and relevant Wage Orders”;

21 **WHEREAS**, the *Gutierrez Settlement*, if granted final approval, will resolve  
22 claims for the period of July 1, 2021 to August 11, 2023;

23 **WHEREAS**, Plaintiff’s employment at IP ended on or about January 23,  
24 2023, and Plaintiff is included in the *Gutierrez Action*;

25 **WHEREAS**, Defendant contends that the claims made in the *Gutierrez*  
26 *Action*, for which the *Gutierrez Settlement* will resolve pending final approval,  
27 encompass each of Plaintiff’s claims and her PAGA cause of action alleged against  
28 Defendant in the *Action*;

1       **WHEREAS**, the *Gutierrez* class notices are being mailed to the settlement  
2 class, which includes Plaintiff, and the court will hold a Fairness Hearing to  
3 consider granting final approval of the *Gutierrez* Settlement on June 24, 2024;

4       **WHEREAS**, in light of the pending Fairness Hearing, the Parties wish to  
5 avoid the time and expense of litigating claims which have already been litigated  
6 and resolved, and in the interest of judicial economy and to preserve the Court's  
7 resources, hereby request that this Court stay further activity in the Action until the  
8 *Gutierrez* Settlement is granted final approval;

9       **WHEREAS**, the Parties will, upon Defendant's notice to Plaintiff of the  
10 Central District's grant or denial of final approval of the *Gutierrez* Settlement, meet  
11 and confer within thirty (30) calendar days of the Fairness Hearing to determine  
12 whether to lift the stay enacted herein and proceed with litigation or jointly move  
13 for dismissal of the Action.

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1       **THEREFORE**, in the interest of judicial economy, the Parties, by and  
2 through their respective counsel of record, hereby stipulate and request that the  
3 Court stay this Action in its entirety, pending final approval of the settlement in the  
4 *Gutierrez Action*.

5 Dated: April 10, 2024

Respectfully submitted,

6       **FISHER & PHILLIPS LLP**

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8 By: /s/ Christopher M. Champine  
Danielle Hultenius Moore  
9 Aaron F. Olsen  
Christopher M. Champine  
10 Attorneys for Defendant  
International Paper Company  
11

12 Dated: April 10, 2024

Respectfully submitted,

13       **LAVI & EBRAHIMIAN, LLP**

14  
15 By: /s/ Cassandra A. Castro  
Joseph Lavi, Esq.  
16 Vincent C. Granberry, Esq.  
Cassandra A. Castro, Esq.  
17 Attorneys for Plaintiff  
Amber Maldonado  
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**ATTESTATION REGARDING ELECTRONIC SIGNATURES**

I, Christopher M. Champine, attest that all other signatories to this document, on whose behalf this filing is submitted, concur in the filing's content and have authorized this filing. I declare under penalty of perjury, under the laws of the United States of America and the State of California, that the foregoing is true and correct.

/s/ Christopher M. Champine  
Christopher Champine


**[PROPOSED] ORDER**

The Court, having considered the Parties' stipulated request to stay this Action pending the Fairness Hearing and final approval of the *Gutierrez* settlement, finds good cause exists to so order. Accordingly, the Court grants the request and issues the following Order:

1. The Action shall be stayed in its entirety pending settlement in the matter of *Gutierrez v. International Paper Company*, Central District of California, Case No. 2:22-cv-08460-JFW-RAOx.
2. Defendant shall give notice to Plaintiff of the Central District's grant or denial of final approval of the *Gutierrez* settlement within ten (10) calendar days of the Fairness Hearing.
3. The Parties shall meet and confer within thirty (30) calendar days of Defendant's notice to Plaintiff to determine whether to lift the stay and resume litigation or move to dismiss the Action.
4. The Parties shall file a Joint Stipulation with this Court within ten (10) calendar days of the Parties' meet and confer to give the Court notice of the Parties' intent to lift the stay and proceed with litigation or move to dismiss the Action.
5. The Court sets a status conference for August 28, 2024 at 10:00 a.m., at which time the Court will provide a new scheduling order.

**IT IS SO ORDERED.**

Dated: April 11, 2024

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE